



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 17, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TO: Water Right Holder in the Eastern Snake Plain Aquifer

Re: Notice of Potential Curtailment of Ground Water Rights in the Eastern Snake Plain Aquifer

Dear Water Right Holder:

This letter is provided to inform you that you are the water right holder of record for one or more water rights that could **potentially** be subject to curtailment during 2008. The enclosed map depicts areas of potential curtailment based on three water right calls, described below. The delivery calls were made under the Department's Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11). The calls include ground water rights for irrigation, commercial, industrial, municipal, non-exempt domestic use, and other consumptive uses. Non-consumptive uses and culinary in-house uses of water will not be subject to curtailment under the orders.

Hearings

Information in this letter might be modified as a result of hearings on the existing orders, scheduled to begin on November 28, 2007, for the Blue Lakes call and the Clear Springs call, and on January 16, 2008, for the Surface Water Coalition call. Information related to the hearings is posted on the IDWR website at www.idwr.idaho.gov.

Blue Lakes Call

The Blue Lakes water rights authorize the diversion of water from Alpheus Creek located in the Devil's Washbowl to Buhl Gage spring reach north of Twin Falls. An order issued on May 19, 2005 determined that diversion and use of ground water under water rights with junior priority dates causes material injury to Blue Lakes' water right no. 36-07427. A copy of the order can be found on IDWR's website at: <http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/Blue%20Lakes%20Order%2005-19-05.pdf>.

The 2005 Blue Lakes order provides that replacement water in the amount of 40 cubic feet per second (cfs) shall be delivered during year four (2008) to the Devil's Washbowl to Buhl reach. Without additional mitigation or replacement water being provided, year four of phased curtailment shall require the curtailment of ground water rights having a priority date later than (junior to) March 3, 1982. This date could be adjusted based on the submittal of an acceptable mitigation plan, and it assumes continuation of existing conversion acres and CREP acres.

Clear Springs Call

The Clear Springs water rights for use at its Snake River Farm authorize the diversion of water from springs tributary to Clear Lakes located in the Buhl Gage to Thousand Springs reach east of Buhl. An order issued on July 8, 2005 determined that diversion and use of ground water under water rights with junior priority dates causes material injury to Clear Springs' water right no. 36-04013B. A copy of the order can be found on IDWR's website at: <http://www.idwr.idaho.gov/Calls/Spring%20Users%20Calls/Clear%20Springs%20Order%2007-08-05.pdf>.

The 2005 Clear Springs order provides that replacement water in the amount of 31 cfs shall be delivered during year four (2008) to the Buhl Gage to Thousand Springs reach. Without additional mitigation or replacement water being provided, year four of phased curtailment shall require the curtailment of ground water rights having a priority date later than (junior to) December 10, 1973. This date could be adjusted based on the submittal of an acceptable mitigation plan, and it assumes continuation of existing conversion acres and CREP acres.

Surface Water Coalition Call

The Surface Water Coalition call applies to ground water rights that impact the Snake River in the American Falls area where the aquifer and river are hydraulically connected. This priority administration of water rights is occurring as required by the order of May 2, 2005, issued in response to the water delivery call made by members of the Surface Water Coalition, comprised of A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. A copy of the order can be found on the IDWR website at:

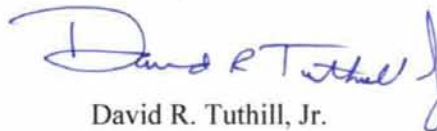
<http://www.idwr.idaho.gov/Calls/Surface%20Coalition%20Call/default.htm>.

Under the 2005 order, I am required to make a determination of the extent of material injury reasonably likely to occur to members of the Surface Water Coalition during the 2008 irrigation season as a result of depletions caused by the diversion of water under junior priority ground water rights. This determination will be made with forecasts of the expected runoff based on the snow survey conducted on April 1, 2008. Depending on the expected snow pack, the determination could result in the curtailment of consumptive ground water rights during the 2008 irrigation season. IDWR computations predict that if the expected runoff is 105% of normal, no curtailment will be required. If the predicted runoff is the same as in 2007, curtailment could impact priority dates as early as September 19, 1960. If the predicted runoff is the same as in 1977, the lowest runoff year on record, curtailment could impact priority dates as early as September 4, 1950. The submittal of acceptable mitigation plans could protect specified water rights from curtailment.

CREP

Issuance of a curtailment order will affect the eligibility of land to be enrolled in the Conservation Reserve Enhancement Program (CREP). The United States Department of Agriculture (USDA) Farm Service Agency's rules for CREP require that "the cropland must be physically and legally capable of being irrigated in a normal manner when offered for enrollment." Upon the issuance of a curtailment order, cropland irrigated with curtailed water rights is no longer "legally capable of being irrigated" and is therefore no longer eligible for CREP. Producers should also be aware that CREP is limited to an enrollment of 100,000 acres. For further CREP eligibility requirements, producers should seek advice from their local USDA Farm Service Agency office.

Sincerely,

A handwritten signature in blue ink, appearing to read "David R. Tuthill, Jr.", with a stylized flourish at the end.

David R. Tuthill, Jr.
Director

Enclosure: Location Map of Curtailment Areas

Map of Curtailment Areas

- Selected Water Districts
- Area of Common Ground Water Supply
- Blue Lakes Trout Ground Water Curtailment Area
- Snake River Farm Ground Water Curtailment Area
- Surface Water Coalition Ground Water Curtailment Area

